



Robert Greene Sterne
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
John M. Covert
Robert C. Millionig
Donald J. Featherstone
Timothy J. Shea, Jr.
Michael V. Messinger
Judith U. Kim
Jeffrey T. Helvey
Eldora L. Ellison
Donald R. Banowitz

Peter A. Jackman
Brian J. Del Buono
Mark Fox Evens
Vincent L. Capuano
Elizabeth J. Haanes
Michael D. Specht
Kevin W. McCabe
Glenn J. Perry
Theodore A. Wood
Edward W. Yee
Grant E. Reed
Jason D. Eisenberg
Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Gaby L. Longworth

Lori A. Gordon
Laura A. Vogel
Shannon A. Carroll
Anbar F. Khal
Michelle K. Holoubek
Marsha A. Rose
Scott A. Schaller
Lei Zhou
W. Blake Coblenz
James J. Pohl
John T. Haran
Mark W. Rygiel
Michael R. Malek*
Carla Ji-Sun Kim
Doyle A. Siever*
Ulrike Winkler Jenks
Paul A. Calvo
C. Matthew Rozier*
Randall K. Baldwin

Daniel J. Nevriy
Lori M. Brandes
Jeffrey K. Mills*
Mita Mukherjee*
Scott M. Woodhouse*
Christian A. Camarce*
Richard D. Collier III*
Keisha Hylton-Rodic
Bonnie Nannenga-Combs
Alyssa K. Sandrowitz*
Jonathan M. Strang*
Ishan P. Weerakoon*

Registered Patent Agents*
Karen R. Markowicz
Matthew J. Dowd
Peter A. Socarras
Danielle L. Letting
Steven C. Oppenheimer

Aaron S. Lukas
Gaurav Asthana
Stephanie L. Elmer
Robert E. Bakin
Salvador M. Bezos
Yasser Mourtada

Of Counsel
Edward J. Kessler
Kenneth C. Bass III
Marvin C. Guthrie
Christopher P. Wrist
David C. Isaacson

*Admitted only in Maryland
*Admitted only in Virginia
•Practice Limited to
Federal Agencies

August 25, 2008

WRITER'S DIRECT NUMBER:
(202) 772-8861
INTERNET ADDRESS:
CBOUCHEZ@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application
Appl. No. 10/581,114; Intl. Filing Date: November 18, 2004
For: **METHOD AND DEVICE FOR TREATING TREES**
Inventors: HEIDECKE *et al.*
Our Ref: 2400.0440000/VLC/CMB

Sir:

The following documents are transmitted herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Online Credit Card Payment Authorization in the amount of \$750.00 to cover \$ 620.00 Patent Application fee (including basic filing, search and examination fees) and \$ 130.00 Surcharge for late filing fee or Declaration;
2. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371;
3. A copy of the Declaration, executed by the inventors;
4. A Power of Attorney to Prosecute Applications Before the USPTO;
5. Statement Under 37 C.F.R. § 3.73(b). The Assignment document was submitted for recordation pursuant § 3.11; and
6. A Preliminary Amendment Under 37 CFR § 1.115.

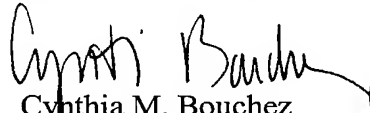
The above-listed documents are filed electronically through EFS-Web.

Commissioner for Patents
August 25, 2008
Page 2

Fee payment is provided through online credit card payment. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Cynthia M. Bouchez", with a stylized flourish at the end.

Cynthia M. Bouchez
Attorney for Applicants
Registration No. 47,438

VLC/CMB/adt
Enclosures

865735v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 2400.0440000/VLC/CMB U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/581,114
INTERNATIONAL APPLICATION NO. PCT/EP2004/013099	INTERNATIONAL FILING DATE 18 November 2004	PRIORITY DATE CLAIMED 1 December 2003
TITLE OF INVENTION METHOD AND DEVICE FOR TREATING TREES		
APPLICANT(S) FOR DO/EO/US HEIDECKE et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/581,114	INTERNATIONAL APPLICATION NO. PCT/EP2004/013099	ATTORNEY'S DOCKET NUMBER 2400.0440000/VLC/CMB
20. Other items or information: Statement under 37 CFR 3.73(b)		
The following fees have been submitted		CALCULATIONS
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$310		PTO USE ONLY
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))		\$
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0		210.00
All other situations..... \$210		
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))		\$
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0		410.00
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100		
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$410		
All other situations..... \$510		
TOTAL OF 21, 22 and 23 =		620.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$260 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	RATE
- 100 =	/50 =	x \$260
		\$ 0
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$ 130.00
CLAIMS	NUMBER FILED	RATE
Total claims	- 20 =	x \$ 50
Independent claims	- 3 =	x \$210
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$370
TOTAL OF ABOVE CALCULATIONS =		\$ 750.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		
SUBTOTAL =		\$ 750.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		+
TOTAL NATIONAL FEE =		\$ 750.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+
TOTAL FEES ENCLOSED =		\$ 750.00
		Amount to be refunded:
		\$
		Amount to be charged
		\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do **NOT** attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is **not** recommended and by doing so your **credit card information may be displayed via PAIR**. To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NUMBER 26111


SIGNATURE

Cynthia M. Bouchez

NAME

47,438

REGISTRATION NUMBER

August 25, 2008

DATE

846860v1